

to the county for payment?

"(2) That until such pledged securities can be sold, can the State Highway Department proceed with the work and not demand or 'bill' the counties involved for their part of the roads being constructed.

"(3) Can the State Highway Department proceed with such work and demand of such counties their checks as such work progresses, and impound and hold such checks against said county depositories if in the opinion of the county or the State Highway Department such checks cannot be cashed without imperiling the ultimate safety and payment of the funds of the county or counties involved?

"(4) Can the Highway Department proceed with such work upon the county or counties placed in escrow bonds or other securities now forming the basis of pledges for county deposits for safekeeping, pending the liquidation of county indebtedness to the Department?"

The reply dated Jan. 27, 1932, contained the following language:

"You are . . . advised that in my opinion there is no statutory authority for the Highway Department to pursue any of the courses set out in questions Nos. 1, 2, and 4, and we believe such courses are inhibited by law.

"This leaves only the method set out in question 3 for consideration.

"As the Highway Department is authorized by law to make contracts with counties for the construction of roads, the counties to pay such part of the cost of construction as may be agreed upon, and as there is no direct statutory provision as to when the State Highway Department shall cash the warrants issued by the county in payment of its prorata share of such construction, we cannot find any provision of the statutes that would expressly prohibit the State Highway Department from pursuing the course outlined in your question No. 3. However, in this connection we do not deem it inappropriate to suggest that the agreement entered into between a particular county and its depository, whereby bonds have been placed by the depository with a bank acting as trustee for both the depository and the county, be modified in such way that the

pledged bonds cannot be sold, exchanged or otherwise disposed of without the consent of the State Highway Department. This in order to fully protect the interest of the State Highway Department in said pledged securities.

"You are further advised that in our opinion it would not be legal for a county, road district, or political subdivision thereof to pledge its own bonds, warrants, or other evidences of indebtedness to secure the Highway Department in the payment of its part of the cost of such road improvements."

TWENTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
February 21, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
ONeal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Parr:

S. B. No. 248, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the balance of the fiscal year ending

August 31, 1933, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Woodruff (by request):

S. B. No. 249, A bill to be entitled "An Act to authorize the issuance of a corrected letters patent in lieu of Letters Patent No. 521, Volume 33, issued November 14, 1876, to the Texas & Pacific Railroad Company, upon filing corrected field notes; to authorize cancellation of original Letters Patent No. 521, Volume 33; to quiet title to said land; and declaring an emergency."

Read and referred to Committee on Public Lands and Land Office.

By Senator Woodruff:

S. B. No. 250, A bill to be entitled "An Act amending Article 2789 of the Revised Civil Statutes of Texas, 1925, authorizing the issuance of refunding bonds to refund bonds and matured interest coupons of common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Woodward, Holbrook and Regan:

S. B. No. 251, A bill to be entitled "An Act making appropriations to pay past due rent on armories, from March 1, 1932, to August 31, 1932, under lease to the National Guard of the State of Texas, and authorizing payment of said rent on taking effect of this Act and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Hornsby:

S. B. No. 252, A bill to be entitled "An Act requiring moving picture machines or projectors operating in this State to be provided with equipment to be approved by the State Fire Insurance Commissioner of Texas and the Underwriters Laboratories of the National Board of Fire Underwriters, affording the utmost possible means of automatically and instantly preventing fires resulting

from the explosion or ignition of motion picture films, and such equipment shall be constantly maintained in an efficient working condition; providing a penalty for the violation of this Act and declaring an emergency."

Read and referred to Committee on Insurance.

By Senator Oneal:

S. B. No. 253, A bill to be entitled "An Act to regulate the operation of corporations organized and incorporated under a pre-existing law in this State without capital stock and not for profit, which law has been amended or repealed or re-enacted, and which were operating and carrying on in this State immediately prior to January 1st, 1933, the statewide business of mutually protecting or insuring the lives of their members by assessments made upon their members; and providing that local mutual aids operating under the terms of Chapter 274, Acts of 1929, Forty-first Legislature, page 563, may comply with the terms of this Act; and revoking, repealing and canceling the charters of such corporations except local mutual aids failing to comply with this Act and forever prohibiting said corporations from doing business in this State and providing for their liquidation; and revoking, repealing and canceling the charters of all mutual relief or benefit associations exempt from the insurance laws of this State under the provisions of Article 2971a, Revised Statutes of 1879, and Article 3096 and 3096w of the Revised Statutes of 1895, failing to comply with the terms of this Act, and forever prohibiting said associations from doing business in this State, and providing for the liquidation of same; and excepting certain insurance companies and associations from the provisions of this Act and providing that no other insurance laws unless expressly mentioned shall apply to the corporations operating under this Act; and providing penalties for the violations hereof; and declaring an emergency."

Read and referred to Committee on Insurance.

By Senator Cousins:

S. B. No. 254, A bill to be entitled "An Act to amend Article 5056, Chapter 21, Title 78, of the Revised Civil Statutes of 1925, by adding

thereto another article to be known as 'Article 5056-A,' regulating the writing of insurance through local resident agents; providing penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Insurance.

By Senator Cousins:

S. B. No. 255, A bill to be entitled "An Act to amend Article 3781 of the Revised Statutes of the State of Texas, providing that the issuance of a writ which requires the delivery or sale of specific property therein described and ordered sold may be issued to any county where part of the property is situated; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senators Neal and Pace:

S. B. No. 256, A bill to be entitled "An Act making appropriation of \$6,967.74 to pay the salaries of district judges of the Special District Court of Smith and Upshur Counties and the Special District Court of Rusk and Gregg Counties, for the period from December 21, 1932, to August 31, 1933, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Hopkins:

S. B. No. 257, A bill to be entitled "An Act relating to the investment of sinking funds created for the purpose of paying the bonds of any county, city, town, school district, or improvement district; adding two new articles to Chapter 8, Title 22, Revised Civil Statutes, 1925, so as to require the treasurer or other depository of any such county, city, town, or district to report to the State Comptroller each purchase of bonds as investments for such sinking funds, and the amount paid therefor; prescribing penalty for failure to make such report, and the method of recovering such penalty; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 258, A bill to be entitled "An Act to amend Article 4644 of the Revised Civil Statutes of the State of Texas of 1925, relating to

the issue of an injunction, or temporary restraining order, prohibiting subsurface drilling or mining operations, on the application of an adjacent landowner, claiming injury to the surface, or improvements, or loss or injury to the minerals thereunder; so as to provide protection against an unnecessary number of wells, wasteful, uneconomical and unscientific exploitation of the same field, pool, stratum or strata, or any part thereof, to the damage and injury of value or values of any person or persons having rights and interest therein, whether on adjoining land or not; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 259, A bill to be entitled "An Act authorizing the governing boards of the Agricultural and Mechanical College of Texas including the State Agricultural Experiment Station System, and the Extension Service and Rodent Control Service, North Texas Agricultural College, John Tarleton Agricultural College, Prairie View State Normal and Industrial College, University of Texas including all branches of the University and the College of Mines and Metallurgy at El Paso, College of Industrial Arts, Texas College of Arts and Industries, Texas Technological College, East Texas State Teachers College at Commerce, North Texas State Teachers College at Denton, Sam Houston State Teachers College at Huntsville, Stephen F. Austin State Teachers College at Nacogdoches, Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine, and the West Texas State Teachers College at Canyon to retain control of fees and other local institutional income collected at said schools; defining such fees and local institutional income; providing for depository banks, where said funds shall be deposited; providing for security for such deposits and the manner of making such deposits; providing for interest on said deposits; providing for terms of surety bonds furnished to secure such deposits and fixing the venue of suits to recover thereon; providing for separate accounts, showing the source of local fees collected and the purposes for which expended; providing for the

handling of trust funds by said schools; providing for the printing of biennial reports showing all receipts and expenditures and for furnishing of said reports to certain State officers and members of certain committees of the Legislature; providing that the provisions of this Act shall not apply to income from the University Permanent Fund, from inspection tax on feeding stuffs and income from State forestry lands, or other income from inspection fees or service charges derived from the carrying out of governmental functions not educational in nature; providing for appropriation for said funds by the Legislature; providing penalties for violation of this Act; providing that if any part of this Act be held unconstitutional, said holding shall not affect the validity of the remainder of the Act, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senators Purl and Woodward:
S. B. No. 260, A bill to be entitled "An Act providing for the election of delegates composing a convention held in this State for the purpose of passing upon the ratification of an amendment to the Constitution of the United States; and providing for the nomination of candidates for delegates to such convention, and declaring an emergency."

Read and referred to Committee on Privileges and Elections.

By Senators Neal and Greer:
S. B. No. 261, A bill to be entitled "An Act for the purpose of making plain the salute to the Texas Flag and giving uniformity to the salute; providing a clear description of the flag to the end that pupils in the lower grades of the elementary schools will be able to draw or make the flag; providing for the standardization of the star in blue stripe in the dimensions used and its position in the stripe so that uniformity shall be the result hereafter in the making Texas flags; describing the method of construction of the star in language that is definite and clear; and outlining rules for correct use and display of the Texas flag."

Read and referred to Committee on Military Affairs.

S. C. R. No. 19.

Senator Small sent up the following resolution:

Whereas, On or about October 26, 1931, Mr. V. D. Shannon of Turkey, Texas, was an employee of the State Highway Department, and had been so employed for a period of approximately three years, and on the date above referred to was working on State Highway No. 86 near Turkey, Texas; and

Whereas, While returning from work and riding in a truck owned by the State Highway Department and driven by a State Highway Department employee, the said V. D. Shannon was so seriously injured, on the date aforesaid, that he died from the effects thereof on November 9, 1931; and

Whereas, Mr. Shannon is survived by his wife, Mrs. Ruth Shannon of Turkey, Texas, and one child that was only about two weeks old at the time of Mr. Shannon's death; and

Whereas, Mrs. Shannon is in destitute circumstances and has been unable to pay the large sums of money required for medical, hospital, and burial expenses of her husband, or to provide the necessities of life for herself and child; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Mrs. Ruth Shannon, surviving wife of V. D. Shannon, for herself and as next friend of said child, be, and she is hereby granted permission to bring suit against the State of Texas in a court of competent jurisdiction in order to determine what compensation, if any, she and the surviving child of said Ruth and V. D. Shannon are entitled to received by reason of the death of the husband and father, V. D. Shannon, from injuries received while an employee of the State Highway Department, and that in case such suit be filed, service of citation or other necessary process may be had upon the Highway Commission and the Attorney General with the same force and effect as is made and provided in civil cases.

SMALL.

Read and referred to Committee on State Highways and Motor Traffic.

S. J. R. No. 2.

The Chair laid before the Senate on its third reading the following resolution:

By Senators Purl, Collie, Moore, DeBerry, Beck, Woodward, Rawlings, Poage, Greer, Oneal, Hornsby, Neal, Small, Russek, Hopkins, Stone, Fellbaum, Regan, Redditt, Holbrook, Murphy, Sanderford, Patton, Pace, Duggan, Blackert and Woodruff:

S. J. R. No. 2, A joint resolution proposing an amendment to the Constitution of the State of Texas by adding to Article XVI another section, Section 61, abolishing the fee system of compensating State, district, county and precinct officers, and providing for the payment of salaries to said officers except public weighers, notaries public and county surveyors.

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

S. J. R. No. 11.

The Chair laid before the Senate on its third reading the following resolution:

By Senators Purl, Rawlings, and Poage:

S. J. R. No. 11, A joint resolution Proposing an amendment to the Constitution of Texas, by amending Article IV, Section 26, changing the manner of appointment of notaries public.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Collie.
Blackert.	Cousins.

DeBerry.
Duggan.
Fellbaum.
Greer.
Holbrook.
Hornsby.
Martin.
Moore.
Murphy.
Neal.
Oneal.
Pace.
Parr.

Patton.
Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Nays—1.

Hopkins.

S. J. R. No. 6.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Woodul:

S. J. R. No. 6, A joint resolution Proposing an amendment to Section 5 of Article IV of the Constitution of the State of Texas, fixing the salary of the Governor; providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Read second time.

Senator Holbrook sent up the following amendment:

Amend the resolution by substituting \$10,000 for \$12,000 wherever it occurs.

HOLBROOK.

Read and lost by the following vote:

Yeas—11.

DeBerry.
Fellbaum.
Holbrook.
Hornsby.
Murphy.
Oneal.

Poage.
Rawlings.
Small.
Woodruff.
Woodward.

Nays—17.

Beck.
Blackert.
Collie.
Cousins.
Duggan.
Greer.
Hopkins.
Martin.
Moore.

Neal.
Pace.
Parr.
Redditt.
Regan.
Sanderford.
Stone.
Woodul.

Absent.

Patton.
Purl.

Russek.

Senator Moore sent up the following amendment:

Amend S. J. R. No. 6 by adding after the word "salary" the words "not to exceed" line 15 and strike out the word "of."

MOORE.

Read and lost.

The resolution was passed to engrossment by the following vote:

Yeas—22.

Beck.	Oneal.
Blackert.	Pace.
Cousins.	Parr.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Neal.	Woodward.

Nays—6.

Collie.	Murphy.
DeBerry.	Poage.
Holbrook.	Woodruff.

Absent.

Patton.	Russek.
Purl.	

Senate Simple Resolution No. 53.

Senator Hornsby sent up the following resolution:

Whereas, Prof. D. F. Cude, Superintendent of Marble Falls Public Schools, together with the members of the tenth and eleventh grades of said school, are now visiting our Capital City; therefore be it

Resolved, That these visitors of ours be extended a cordial welcome and invited to occupy the seats reserved for them in the gallery of the Senate.

HORNSBY.

Read and adopted.

S. J. R. No. 8.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Woodul:

S. J. R. No. 8, Proposing an amendment to Section 23 of Article IV of the Constitution of the State of Texas, fixing the salary of the Comptroller, Treasurer and the

Commissioner of the General Land Office at Six Thousand (\$6,000.00) Dollars per annum; providing for its submission to the voters of the State as required by the Constitution, and making appropriation therefor.

Read second time.

Senator Holbrook sent up the following amendment:

Amend resolution by substituting \$4,000 for \$6,000 wherever it appears.

HOLBROOK.

Read and lost by the following vote:

Yeas—11.

DeBerry.	Oneal.
Fellbaum.	Poage.
Holbrook.	Rawlings.
Hornsby.	Small.
Martin.	Woodruff.
Murphy.	

Nays—14.

Beck.	Neal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Redditt.
Duggan.	Regan.
Hopkins.	Sanderford.
Moore.	Woodul.

Absent.

Greer.	Russek.
Patton.	Stone.
Purl.	Woodward.

The resolution was passed to engrossment by the following vote:

Yeas—15.

Beck.	Parr.
Blackert.	Redditt.
Cousins.	Regan.
Duggan.	Russek.
Fellbaum.	Sanderford.
Martin.	Small.
Moore.	Woodul.
Neal.	

Nays—8.

Collie.	Murphy.
DeBerry.	Oneal.
Holbrook.	Poage.
Hornsby.	Woodruff.

Present—Not Voting.

Rawlings.

Absent.

Greer.	Purl.
Hopkins.	Stone.
Pace.	Woodward.
Patton.	

S. J. R. No. 9.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Woodul:

S. J. R. No. 9, Proposing an amendment to Section 22 of Article IV of the Constitution of the State of Texas, fixing the salary of the Attorney General at Ten Thousand (\$10,000.00) Dollars a year; providing for its submission to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

Read second time and passed to engrossment by the following vote:

Yeas—21.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Hopkins.	Small.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Pace.	

Nays—7.

Collie.	Murphy.
DeBerry.	Oneal.
Holbrook.	Poage.
Hornsby.	

Present—Not Voting.

Rawlings.

Absent.

Purl. Stone.

Senate Bill No. 148.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hopkins:

S. B. No. 148, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas, 1925, by adding a new section to be known as 95a to provide for the creation of corporations for the purpose of dealing in agricultural commodities, poultry, dairy products and live stock products in the United States; enumerating the power and authority of such corporations, and declaring an emergency."

Read second time.

Senator Oneal sent up the following amendment:

Amend Senate Bill No. 148 by striking out the following words beginning after the word "for" in line twenty-five of the printed bill: "the production thereof, and".

ONEAL.

The amendment was read.

Senator DeBerry sent up the following substitute for the amendment:

Amend S. B. 148 by striking out the following words "and with authority to own all real estate necessary for the production thereof" in lines 24, 25 and 26, Section 1 of this bill.

DeBERRY.

The substitute was read and adopted.

The amendment as substituted was adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 148 by adding a new section to be known as Section 1a to read as follows:

No corporation authorized under the provisions of this Act shall be permitted to own or operate more than one establishment in the same county and no branch or chain store shall be permitted to be established in any county of the State under the same charter.

PURL.

The amendment was read.

On motion of Senator Hopkins, the bill and the pending amendment were laid on the table subject to call.

Bill Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 263.

Senate Simple Resolution No. 54.

Senator Beck sent up the following resolution:

Whereas, Dr. L. L. Lumsden, Medical Director, United States Public Health Service, has rendered distinguished service in the field of Public Health, and is one of the outstanding physicians of America, and is now in the Capitol, Therefore Be It

Resolved by the Senate of Texas, That Dr. Lumsden be extended the privileges of the floor and invited to address the Senate.

BECK,
REGAN,
REDDITT.

Read and adopted.

Dr. Lumsden Speaks

The Chair appointed Senators Beck, Regan, and Redditt to escort Dr. Lumsden to the platform.

The Chair introduced Senator Beck who introduced Dr. Lumsden. Dr. Lumsden briefly addressed the Senate.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 21, 1933.

Hon Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 153, A bill to be entitled "An Act amending Article 4442, Revised Statutes, 1925, of the State of Texas, by adding to said Article, Section No. 5, so as to provide that when a keeper, manager, or owner of an institution defined in said article shall operate same without a license or sell or traffic in babies or permit the use of said institution for purposes other than provided in their license, they may be enjoined in a suit filed by the Attorney General, district or county attorney, or any citizen; and creating an emergency."

H. B. No. 479, A bill to be entitled "An Act relating to the office of district attorney for the Eighteenth Judicial District of Texas, providing compensation and making an appropriation for the same; providing compensation and making an appropriation for the district attorney of the One Hundred and Nineteenth Judicial District of the State of Texas; providing compensation and making appropriation for the district attorney of the Thirty-fourth Judicial District of the State of Texas; and declaring an emergency."

H. B. No. 11, A bill to be entitled "An Act authorizing the payment to the head of any department of the State government of occupation, gross receipts, franchise, license, or other privilege taxes or fees under

protest upon the supposed ground of invalidity of the tax or lack of power to collect the same, etc., and declaring an emergency."

(With engrossed rider).

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Simple Resolution No. 55.

Senator Rawlings sent up the following resolution:

Whereas, In the early days of our State's history, there came from his home in Mississippi a child who was destined to become one of the outstanding men of Texas—a man who, perhaps more than any of his contemporaries, lived to fulfill the destiny to which he was born, to live a life that is interminably linked with the destiny of his adopted State; a man whom all loved and respected was the late William Pinkney McLean; and

Whereas, For almost a century the life and work of Judge McLean was irrevocably associated with the development of Texas, in that he was a member of the Constitutional Convention that met at Old Independence on the Brazos for the purpose of framing the Constitution under which our government now operates; he served as a member of the Texas Legislature during the period of reconstruction, as a member of Congress, and, later, as Judge of the Fifth Judicial District; with the formation of the Railroad Commission, he was appointed by Governor Hogg as one of its first members. During the war between the States, Judge McLean rendered an active patriotic service that carried with it a tremendous personal sacrifice; and

Whereas, Judge McLean departed this life on the 13th day of March, 1925, leaving as an invaluable contribution to the generations to follow a character so noble that its influence will remain as an inspiration throughout the ages; and

Whereas, It is a recognized fact that those nations who stand highest in the esteem of the world are those who have preserved in art and literature the lives of the men and women who, by faithful service and noble lives, made those nations great; therefore, be it

Resolved, That, as a fitting tribute to the sterling qualities, noble character, and exemplary service to

mankind rendered by this great statesman, this Senate of the Forty-third Legislature authorize to be hung in its halls a portrait of this noble patriot;

Be It Further Resolved, That a copy of this resolution be enrolled and that the same be forwarded to the surviving members of Judge McLean's family.

RAWLINGS,	PURL,
BECK,	NEAL,
BLACKERT,	ONEAL,
COLLIE,	GREER,
COUSINS,	RUSSEK,
DeBERRY,	FELLBAUM,
DUGGAN,	STONE,
HOLBROOK,	MURPHY,
HOPKINS,	REDDITT,
HORNSBY,	REGAN,
MARTIN,	SANDERFORD,
MOORE,	SMALL,
PACE,	STONE,
PARR,	WOODRUFF,
PATTON,	WOODUL,
POAGE,	WOODWARD.

Read and adopted unanimously by a rising vote.

Senate Bill No. 191.

The Chair laid before the Senate on its third reading the following bill:

By Senator Neal:

S. B. No. 191, A bill to be entitled "An Act authorizing school trustees to issue interest-bearing warrants in payment of salaries of employees; specifying that the rate of interest shall not exceed six per cent per annum; limiting the amount of warrants to be issued; providing for official notice of the issuance of such warrants and for official notice when these warrants can be cashed; giving such warrants preference over ones issued for purposes other than payment of salaries; and declaring an emergency."

Read third time.

Senator Neal sent up the following amendment:

Amend Senate Bill No. 191, Section 2, by striking out the words "six per cent (6%)" and inserting in lieu thereof the words "four per cent (4%)" and amend the caption to conform to same.

NEAL.

Read and adopted by unanimous consent.

Senator Holbrook moved to lay the bill on the table subject to call. The motion prevailed by the following vote:

Yeas—14.

Cousins.	Poage.
DeBerry.	Purl.
Greer.	Rawlings.
Holbrook.	Stone.
Hornsby.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

Nays—9.

Blackert.	Neal.
Collie.	Parr.
Duggan.	Redditt.
Fellbaum.	Regan.
Martin.	

Absent.

Beck.	Patton.
Hopkins.	Russek.
Moore.	Sanderford.
Pace.	Small.

S. C. R. No. 20.

Senator Greer sent up the following resolution:

Whereas, By Senate Concurrent Resolution No. 18, Acts Regular Session of Forty-second Legislature, p. 312, as therein set out, provided for the acceptance of the portrait of the late Major General Henry T. Allen, from the 90th Division Association of ex-service men who served in the World War; Therefore Be It

Resolved by the Senate, the House of Representatives concurring, That said portrait be received from said 90th Division Association of ex-service men of the World War, on April 21, 1933, at 11 a. m. o'clock, at a joint session of the Senate and House of Representatives, of Texas; that a committee consisting of three members of the Senate be appointed by the Lieutenant Governor, and five members of the House of Representatives appointed by the Speaker thereof, to make suitable arrangements for said ceremonies;

Be It further Resolved by the Senate, the House of Representatives concurring, That the Secretary of the Senate extend the invitation of the

Senate and House to Captain Henry T. Allen, the son, and Mrs. Frank M. Andrews and Mrs. Joseph W. Viner, the daughters of General Allen, and Mr. Eben F. Comins, the artist who painted the portrait, to attend the presentation ceremonies.

GREER,	MURPHY,
POAGE,	REGAN,
WOODRUFF,	HORNSBY,
WOODUL,	PURL,
REDDITT,	

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration was suspended. The resolution was adopted.

Senate Simple Resolution No. 56.

Senator Redditt sent up the following resolution:

Whereas, Dr. C. Perry Patterson, Professor of Government and Chairman of the Department of Government of the University of Texas, has been solicited by his many friends to apply for a position with the Federal government as assistant director of the budget bureau; and

Whereas, Dr. Patterson is a recognized national authority on American Government, and is the author of the well known text book "American Government", and joint author of other text books; and

Whereas, Dr. Patterson has made a special study of American Government, and by reason of which he would be well qualified to serve as assistant director of the budget bureau in an honorable and efficient manner; and

Whereas, The selection of Dr. Patterson for this position would be a great honor to the University of Texas, as well as to the entire citizenship of the State; Be It Therefore

Resolved, That we, the undersigned members of the Texas Senate of the State of Texas, do hereby recommend and endorse the selection of Dr. Patterson for this position, and we earnestly recommend to the United States Senators from Texas, and all of the members of Congress from Texas, and the officials of the National as well as the

State Democratic Party to endorse and recommend his appointment.

WOODUL,	REGAN,
REDDITT,	PARR,
PACE,	ONEAL,
SMALL,	FELLBAUM,
COUSINS,	RAWLINGS,
RUSSEK,	WOODWARD,
MARTIN,	POAGE,
MOORE,	STONE,
NEAL,	HOPKINS,
SANDERFORD,	PATTON,
MURPHY,	WOODRUFF,
BECK,	HORNSBY,
BLACKERT,	GREER.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration was suspended. The resolution was adopted.

House Bills Referred.

H. B. No. 153 referred to Committee on Public Health.

H. B. No. 479 referred to Committee on Finance.

H. B. No. 11 referred to Committee on State Affairs.

Game and Fish Committee Appointed.

The Chair announced the appointment of the following as members of the Committee on Game and Fish:

Redditt, chairman; Small, vice-chairman; Patton, Russek, Oneal, Pace, Parr.

Adjournment.

On motion of Senator Oneal, the Senate, at 12:26 o'clock p. m. adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 20, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 17 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 20, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 2 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 11 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 82 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 37 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 107 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 191 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 227 (Collection of fees of certain courts by clerks).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, the majority of your Committee on Congressional Districts, to whom was referred

S. B. No. 195 (Congressional re-districting).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GREER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 20, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, the minority of your Committee on Congressional Districts, to whom was referred

S. B. No. 195 (Congressional re-districting).

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do not pass and be not printed.

COLLIE,
DUGGAN.

SUPPLEMENT—(Continued).

Tuesday, February 21, 1933,
2 O'clock P. M.

The Chair: The Committee will please be in order.

Senator Purl: I wonder when we will have the hearing on the judge's salary bill,—I want to know.

Senator Rawlings: I want to make a motion that will help settle that question.

The Chair: The Senator from Fort Worth is recognized.

Senator Woodward: Mr. Chairman and members of the committee: Mr. Chairman, I want to read a letter which I have addressed to Mr. Hair,

and the statements in this letter are intended for the several members of this Committee as it was to him. This letter has been communicated to Mr. Hair, I presume, or at least will reach him in due time.

Senator Sanderford: It has been.

Senator Woodward: It is dated today. This letter, Mr. Chairman, is addressed to Hon. J. F. Hair, Driskill Hotel, Austin, Texas.

Dear Mr. Hair:

I regret the unfortunate incident of yesterday, and for my part in the transaction, I express to you my apology.

Our relationship in the past has been cordial, and knowing you and my father to be special friends, it increases my regrets. For my part, it is a closed incident. If I could withdraw that which has caused or causes you either mental or physical pain I would gladly do so.

I am expressing my apology to the Committee and informing it of my action in expressing my regret to you of the incident and of my apology.

I regret the publicity given, and in expressing to you my apology, I trust you will accept it in the spirit in which it is written.

Senator Woodward: Mr. Chairman, I convey these same words of apology to the Chairman.

The Chairman: Mr. Reporter, I think the letter probably doesn't belong in the record.

Senator Hornsby: I think the letter should be in the record and if there is no objection, I want it to go into the record.

The Chair: All right.

Senator Stone: I don't think any action is necessary, but I think Senator Woodward ought to be commended for his action.

Senator Rawlings: I want to make a statement and a motion. As announced just before the noon adjournment of the Senate, we have some committee hearings,—public hearings before a couple of Senate committees this afternoon, and there are several out of town delegations who have been promised to be heard this afternoon. They are bills of some importance, and I would like to ask the indulgence of the Committee to suspend this afternoon so that we can devote our attention to these public matters. For that reason I want to move that the Committee

of the Whole stand at recess until tomorrow afternoon at 2:00 p. m.

Senator Purl: Tomorrow is Washington's birthday, I think. The Senate will ordinarily adjourn and so why have it tomorrow, why not adjourn the Committee of the Whole until day after tomorrow at 2:00 o'clock.

Senator Rawlings: That's perfectly agreeable; I just don't want to be in the attitude of postponing this work we are trying to do. I am simply trying to have the out of town delegation heard.

Senator Sanderford: What time is the committee hearing set for?

Senator Rawlings: 2:00 o'clock. State Affairs at 2:00 o'clock and the Finance Committee is supposed to meet following the adjournment of the State Affairs.

Senator Sanderford: The reason I asked is I have a witness here with reference to the appraisal of the certificates from out of town and I would just like to have him on the stand this afternoon and I think we can get through with him in a few minutes.

Senator Rawlings: Every witness you have had has taken from one to two days on the stand, and if we get him on the stand I am afraid we will never get our Committee hearing and I would like to afford them opportunity of being heard. However, I will be satisfied with whatever is the pleasure of the Committee as a Whole in the matter.

Senator Sanderford: I was just wondering if you could place it at 3:00 o'clock.

Senator Rawlings: We have two committees; one State Affairs, and one the Finance Committee. The Finance Committee will consider the judges salary bill, which will take some time.

The Chair: Any further discussion?

Senator Purl: I am disposed as one Senator to try to follow the four managers as to when we shall meet and how long we shall stay in session. Senator Rawlings has moved that we recess until tomorrow afternoon and I think properly so, but whether or not we shall work tomorrow afternoon, or recess until the next afternoon, I would like to hear from the managers as to that. My own idea is, but not knowing a whole lot about it, that if we re-

cess for forty-eight hours, it might be that in the long run we would get through quicker. We could probably marshal the facts and evidence, and everybody getting a little breathing spell for thirty-six hours, we might probably get through quicker.

Senator Redditt: The Committee recommends that we recess until Thursday at 2:00 p. m.

Senator Rawlings: I move that as a substitute to that motion.

The Chair: Do you mean to insinuate by that that I am going to work tomorrow?

Senator Woodward: Is there anything in the resolution creating the Committee, or the rules which fixes the time for the adjournment of this Committee? I have in mind the Committee was to adjourn Wednesday unless the time was extended.

The Chair: I don't remember it.

Senator Woodward: I don't know where I got that idea. I got it somewhere. Well, if it's not in there, all right.

(The motion to adjourn until 2:00 p. m. Thursday, February 23, 1933, was thereupon put and duly carried.)

TWENTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas.
February 22, 1933.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Fellbaum.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Oneal:

S. B. No. 262, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before February 1, 1931, due the State, any county, special school district, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State. Also cities, towns, and villages, provided said taxes are paid on or before September 1, 1933; and for the purposes of releasing the interest and penalties on all ad valorem and poll taxes that became delinquent after February 1, 1931, and prior to September 1, 1933, due the State, any county, special school district, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State. Also cities, towns and villages, provided said taxes are paid on or before December 1, 1933; and providing, further, that the provisions of this Act releasing interest and penalties shall not apply to cities, towns, and villages unless and until the governing body thereof finds that unusual or excessive defaults in the payment of taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body by resolution, or ordinance, evidencing such finding and recording the same shall have the authority to put in force and effect the provisions hereof as to such cities, towns, and villages; suspending all laws and parts of laws in conflict herewith during the term this Act is in force; and providing further that if, any sec-